

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **June 15, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**Case:** FIA Card Services, N.A. v. Dorsey-Tyler  
Case No. CV PT 09-658

**Hearing Date:** June 15, 2009 Department Fifteen 9:00 a.m.

The unopposed petition to confirm arbitration award by FIA Card Services, N.A. is **GRANTED**. (Code Civ. Proc., § 1286.) Petitioner must file a verified memorandum of costs to recover its costs. (Cal. Rules of Court, rule 3.1700(a)(1).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

#### **TENTATIVE RULING**

**Case:** In re Claim Opposing Forfeiture filed by Kristine Moser  
Case No. CV PT 08-3213

**Hearing Date:** June 15, 2009 Department Fifteen 9:00 a.m.

The verified claim opposing forfeiture filed by Kristine Alisson Moser is **GRANTED**, unless the People timely file a petition for forfeiture.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

#### **TENTATIVE RULING**

**Case:** Jones v. King Properties  
Case No. CV PO 08-1799

**Hearing Date:** June 15, 2009 Department Fifteen 9:00 a.m.

The unopposed motion for trial preference is **GRANTED**. (Code Civ. Proc., § 36, subd. (a).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **People v. \$2,811.00**  
**Case No. CV PT 08-681**  
**Hearing Date:** **June 15, 2009** **Department Fifteen** **9:00 a.m.**

The hearing in this case must be by jury, unless waived by consent of all parties. (Health and Safety Code, § 11488.5, subd. (c)(2).) This matter is set for a trial-setting conference on Thursday, July 16, 2009, at 1:30 p.m. in Department Ten.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **Soong v. Chang**  
**Case No. CV CV 07-914**  
**Hearing Date:** **June 15, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiffs Edward Soong and Caroline Soong's motion for relief from waiver of objections is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., § 2031.300, subd. (a).) Because the plaintiffs did not submit a copy of their responses to the defendants' demand for production of documents, sets no. two, the Court cannot find that the plaintiffs have served a response that is in substantial compliance with Code of Civil Procedure sections 2031.210 *et seq.*

Defendants Chin Yin Chang and Lucy Zoyun Chang's motions to compel responses to their demand for production of documents, sets no. two to Edward Soong and Caroline Soong are **DENIED**. Plaintiffs have responded to these discovery requests.

Defendants' request for monetary sanctions against Edward Soong is **GRANTED** in the amount of \$740.00. (Cal. Rules of Court, rule 3.1348.) Defendants' request for monetary sanctions against Caroline Soong is **GRANTED** in the amount of \$740.00. (Cal. Rules of Court, rule 3.1348.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **Wheeler v. Taylor Morrison of California, LLC**  
**Case No. CV CV 08-49**  
**Hearing Date:** **June 15, 2009** **Department Fifteen** **9:00 a.m.**

Procida Landscape, Inc.'s unopposed motion for determination of good faith settlement is moot. On June 10, 2009, this Court granted the motion for determination of good faith settlement filed by Taylor Morrison of California, LLC (as successor in interest of Defendant Morrison Homes, Inc.) ("Taylor Morrison"). The Court has already found the settlement between the plaintiffs,

Taylor Morrison and various cross-defendants, including Procida Landscape, Inc., to be in good faith.